IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 365 (M/S) OF 2006

Sir Sayyad Public School Samiti,
Manglore Town, Pargana Manglore,
Tehsil Roorkee Distt: Hardwar
Through its Manager Sri Tahir Hassan
S/o Sri Tufail Ahmad
R/o Mohalla Bandartol, Kasba Manglore,
Tehsil Roorkee District Hardwar ……Petitioner

Versus

1. Civil Judge (J.D.), Roorkee, District Hardwar
2. Sanjay Sharma S/o Sri Suresh Dutt Sharma
   R/o Mohalla Lalbara, Kasba & Pargana Manglore,
   Tehsil Roorkee, District Hardwar. ….. Respondents

12.04.2006

Shri Sharad Sharma, learned counsel for the petitioner.
Learned Standing Counsel for the respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri Sharad Sharma, Learned Counsel for the petitioner and Learned Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus restraining the respondent No.2 from changing or damaging the nature of property as well as by creating a third party interest.

Briefly stated the suit was filed by the petitioner/plaintiff for claiming the aforesaid relief. Alongwith the suit application for injunction was also filed. The notices were issued on the application and 26.04.2006 is fixed for orders on the injunction application. According to the petitioner, he occupied the premises since 1980 and the tenancy was created in favour of the petitioner's society and the petitioner has been regularly paying rent as and when it fell due and is not a defaulter. On 13.02.2006 the respondent No.2 has purchased half of the entire property.

In view of the above, the respondent No. 1 is directed to dispose of the injunction application within a period of 30 days. During this period, both the parties are directed to maintain the

status quo. Presiding Officer shall not be prejudiced by the interim order granted by this Court.

Consequently, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

12.04.2006
Jain